

EMERGENCY ORDER

WHEREAS, I, Rory Fluman, Schenectady County Manager issue this Emergency Order, in furtherance of a declaration of a State of Emergency issued on July 24, 2023, and pursuant to Resolution 138-2023 of the Schenectady County Legislature;

WHEREAS, The communities throughout the State of New York are facing severe housing crises limiting the number of temporary and limited housing available throughout the State; and

WHEREAS, The Schenectady County Department of Social Services (DSS) houses between 150-250 individuals every night through separate emergency, temporary, short- and long-term county sponsored housing programs typically within hotel rooms; and

WHEREAS, Schenectady County already faces a shortage of DSS hotel rooms to house those we are required to assist with an ever-expanding pool of people seeking housing that remain isolated in DSS hotel room housing, which further compounds competition for hotel rooms; and

WHEREAS, The Schenectady County Department of Social Services has already been experiencing a housing crisis with its customers because of apartment rental pricing out of the range of the typical DSS customer who is trying to get off general welfare services; and

WHEREAS, on July 18, 2023, probable cause exists that the Super 8 Motel in the Town of Rotterdam illegally removed individuals lawfully occupying the Motel; and

WHEREAS, the actions of the Super 8 Motel constitute a deprivation of rights of those located within the County of Schenectady, and forms a basis to believe similar action may be taken in other locations within Schenectady County; and

WHEREAS, the County of Schenectady has an obligation to ensure that the necessary resources exist within Schenectady County to support the needs of those located within Schenectady County; and

WHEREAS, the County of Schenectady has an obligation to ensure that the actions taken to assist one group of individuals requiring assistance does not jeopardize another group of individuals requiring assistance; and

NOW, THEREFORE, I, Rory Fluman, Schenectady County Manager, by the power vested in me by the Schenectady County Charter and the Laws of the State of New York and pursuant to Section 24 of Article 2-b of the New York State Executive Law, do hereby temporarily suspend or modify any statute, local law, ordinance, order, rule or regulation or parts thereof, if compliance with such statute, local law, ordinance, order, rule or regulation would prevent, hinder or delay action necessary to assist, aid or cope with the aforementioned State of Emergency, I hereby temporarily suspend or modify, from the period of the date of this Emergency Order the following:

Prohibition of foreign municipal programs that burden the County.

- A. No municipality may make contracts with persons, businesses or entities doing business within the County to transport people seeking housing to locations in the County, or to house persons at locations in the County for any length of time without the express written permission of the County Manager or his designee. In addition, no person or entity may act on behalf of any municipality or in performance of a municipal program, or other act funded by a municipality, to perform an act in violation of this subsection.
- B. No hotel, motel, owner of a multiple dwelling, or shelter in Schenectady County is permitted to contract or otherwise engage in business with any other municipality other than the County of Schenectady (an "external municipality") for the purpose of providing housing or accommodations for persons without a license granted by the County. This prohibition extends to any person or entity participating in an external municipality's government program, or a contract or service funded by an external municipality or acting on behalf of any external municipality.
 - 1. Licenses will be granted only by the Schenectady County Manager (the Manager). The Manager may enlist the services of any other Department within County government to perform the duties necessary to affect this provision.
 - 2. Licenses will only be granted where, to the satisfaction of the Manager, both the applicant and the foreign municipality demonstrate that:
 - i. The contract provides that the people seeking housing will be returned to the foreign municipality from which they arrived; and,
 - ii. The foreign municipality demonstrates to the County that it has sufficient funding to sustain the needs of the people seeking housing during the time of their stay; and,
 - iii. The foreign municipality agrees to assume any costs expended by any municipality or school district in the County ("domestic municipalities" including the County itself, for the care, welfare, law enforcement interactions, medical or other expenses related to municipal interaction with people seeking housing upon demand; and,
 - 3. The conditions described in this section will not apply to any contract directly between the foreign municipality and the County.
 - 4. License renewal will be at the sole discretion of the Commissioner, after consideration of the purpose and intent of the State of Emergency that instigated this Emergency Order.

C. Effective Date.

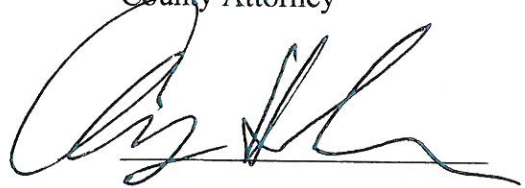
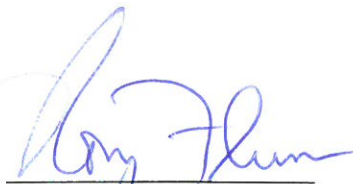
1. This Executive Order shall take effect immediately.

D. Duration of Local Emergency Order.

1. The Local Emergency Order shall remain in effect for five days unless sooner modified, extended, or revoked, and may be extended for additional periods not to exceed five days during the pendency of the local state of emergency.

Approved as to form and Content

Christopher H. Gardner
County Attorney

A handwritten signature in black ink, appearing to read 'Chris Gardner', written over a horizontal line.A handwritten signature in blue ink, appearing to read 'Rory Fluman', written over a horizontal line.

12/16/23

Rory Fluman Date
County Manager

CC: Clerk of the Legislature (triplicate)
County Clerk (triplicate)
Secretary of State (triplicate)
Media outlets pursuant to NYS Executive Law Section 24(2)